

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CHRIS CARDONI, WESLEY  
WEBB, TERRY BLAIN, and  
BILLY SHAFFER

VS.

PROSPERITY BANK, ERIC DAVIS,  
AND ANTHONY DAVIS

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 4:14-cv-01946

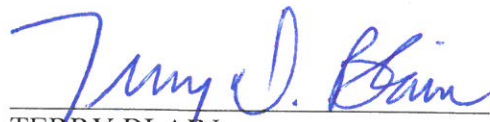
**DECLARATION OF TERRY BLAIN**

I, Terry Blain, declare the following matters to be true and correct under the penalty of perjury:

1. I signed an Employment Agreement with F&M Bank and Trust and Prosperity Bank on August 27, 2013. After I signed the Agreement, I remained an employee of F&M until March 26, 2014, when F&M merged into Prosperity.
2. The Employment Agreement purports to restrict me from soliciting customers whose files I had "access to" during my employment with Prosperity. Although I did not actually access all Prosperity customer files – I had the opportunity, the theoretical ability, to access customer files and information of every Prosperity customer.

My name is Terry Blain. I make this declaration pursuant to Tex. Civ. Prac. and Rem. Code Section 132.001. My date of birth is May 26, 1961. My address is 1600 E. Tacoma Street, Broken Arrow, Oklahoma, 74012, U.S.A. I have personal knowledge of the facts stated in this declaration, and those facts are true and correct.

Executed in Tulsa County, State of Oklahoma, on the 24<sup>th</sup> day of August, 2016.

  
TERRY BLAIN